

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:
INTEL CORP. MICROPROCESSOR
ANTITRUST LITIGATION

PHIL PAUL, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

INTEL CORPORATION,

Defendant.

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) MDL Docket No. 05-1717 (JJF)
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) C.A. No. 05-485 (JJF)
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)

) CONSOLIDATED
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)

) **REDACTED**
) **PUBLIC VERSION**
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**DECLARATION OF MICHAEL D. POWELL IN SUPPORT OF OBJECTION TO AND
REQUEST TO MODIFY SPECIAL MASTER'S SEPTEMBER 28, 2007 REPORT AND
RECOMMENDATION RE DISCOVERY MATTER NO. 5**

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Original Filing Date: October 18, 2007
Redacted Filing Date: October 25, 2007

DECLARATION OF MICHAEL D. POWELL

I, Michael D. Powell, declare:

1. I am an attorney admitted to practice in the State of California. I am an associate in the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel for Fry's Electronics, Inc. in connection with this matter. The statements in this declaration are based upon my personal knowledge, and if called as a witness I could testify competently thereto.
2. Attached as Exhibit 1 is a true and correct copy of the Special Master's September 28, 2007 Report and Recommendation.
3. Attached as Exhibit 2 is a true and correct copy of Class Plaintiffs' June 23, 2006 Notice of Subpoena and Subpoena to Fry's.
4. Attached as Exhibit 3 is a true and correct copy of Fry's Objections to Class Plaintiffs' Subpoena.
5. Attached as Exhibit 4 is a true and correct copy of Class Plaintiffs' opening letter brief dated March 29, 2007.
6. Attached as Exhibit 5 is a true and correct copy of Fry's opposition letter brief dated April 17, 2007.
7. Attached as Exhibit 6 is a true and correct copy of the hearing transcript for the May 1, 2007 hearing before the Special Master.
8. Attached as Exhibit 7 is a true and correct copy of the Special Master's May 18, 2007 Report and Recommendation Concerning Jurisdiction and Protective Order.
9. Attached as Exhibit 8 is a true and correct copy of the August 6, 2007 Stipulation and Order regarding the scope of the motion to compel and the issues to be decided by the Special Master in full and complete satisfaction of Class Plaintiffs' June 23 Subpoena.
10. Attached as Exhibit 9 is a true and correct copy of Class Plaintiffs' August 10, 2007 Supplemental Letter Brief.

11. Attached as Exhibit 10 is a true and correct copy of Fry's August 20, 2007 Supplemental Letter Brief (with Attachment A).
12. Attached as Exhibit 11 is a true and correct copy of Class Plaintiffs' August 27, 2007 Reply Letter Brief.
13. Attached as Exhibit 12 is a true and correct copy of the hearing transcript for the September 11, 2007 hearing before the Special Master.
14. Attached as Exhibit 13 is a true and correct copy of Class Plaintiffs' May 7, 2007 Letter Brief to the Special Master.
15. Attached as Exhibit 14 is a true and correct copy of Fry's May 9, 2007 Letter Brief to the Special Master.
16. Attached as Exhibit 15 is a true and correct copy of the Declaration of Rajesh Seth dated April 17, 2007.
17. Attached as Exhibit 16 is a true and correct copy of the Declaration of Rajesh Seth dated August 20, 2007.
18. Attached as Exhibit 17 is a true and correct copy of a December 4, 2003 Article titled "Sample size and statistical significance," indicating that as a "rough rule of thumb," a sample size should be about "10%" of the universe of interest. I downloaded the article from <http://parkinslot.blogspot.com/2003/12/sample-size-and-statistical.html> on August 20, 2007.
19. Attached as Exhibit 18 is a true and correct copy of the Declaration of Jonathan Orszag dated August 10, 2007.
20. Attached as Exhibit 19 is a true and correct copy of my July 9, 2007 email to Dan Small.
21. Attached as Exhibit 20 is a true and correct copy of my July 17, 2007 email Dan Small.
22. Attached as Exhibit 21 is a true and correct copy of an email chain including my July 18, 2007 email response to Dan Small.

23. Attached as Exhibit 22 is a true and correct copy of a July 18, 2007 email from Dan Small.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on October 18, 2007, at Redwood Shores, California.



Michael D. Powell

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 25, 2007, the foregoing was caused to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered participants.

In addition, the undersigned hereby certifies that on October 25, 2007 true and correct copies of the foregoing were caused to be served upon the following parties in the manner indicated:

VIA E-MAIL:

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/s/ James W. Parrett, Jr.

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